

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

-----

IN THE MATTER OF THE UNITED	:	MINUTE ENTRY
EFFORT PLAN TRUST, (Dated	:	
November 9, 1942, Amended April	:	CASE NO. 053900848
10, 1946, and Amended and	:	
Restated on November 3, 1998);	:	
and its TRUSTEES, including	:	
known trustees TRUMAN BARLOW,	:	
WARREN JEFFS, LEROY JEFFS,	:	
WINSTON JEFFS, LEROY JEFFS,	:	
WINSTON BLACKMORE, JAMES	:	
ZITTING and WILLIAM E. JESSOP,	:	
aka WILLIAM E. TIMPSON and DOE	:	
TRUSTEES 1 THROUGH IX	:	

-----

Mr. Shields (counsel for Special Fiduciary Mr. Wisan) addresses Court regarding content of Special Fiduciary's Report to the Court, dated August 18, 2005, and Special Fiduciary's consolidated reply to responses filed by other parties in interest, dated November 4, 2005.

The Court informs parties that it agrees with Special Fiduciary that the threshold issue concerning which trust document governs needs to be decided. After reviewing the documents and applicable law, the Court concludes that the 1998 Restatement is the governing document of the Trust.

Instead of immediate appointment of trustees, an advisory board to the Special Fiduciary will be appointed. Court will select advisors based on the previously announced criteria. The Court notes that no candidates have yet to submit the required credit reports. The credit

reports are to be filed under seal and will be available for Court review and consideration only. Candidates have until 5:00 p.m., November 15, 2005, to file their credit reports.

The Court informs parties of the parameters under which the advisory board will serve. The board will meet no less often than once per month for one year, but may meet up to sixteen (16) times over the next year. Upon request by the Special Fiduciary and on showing of good cause, the Court may authorize additional board meetings. Advisory board members will be compensated at the rate of \$175 per meeting. Necessary travel costs will be reimbursed at the rate authorized for State employees. The Special Fiduciary is admonished to schedule board meetings in a manner that will most effectively limit the costs associated with those meetings (time involved by all participants, including the Special Fiduciary and counsel). Wherever possible and reasonable, the Special Fiduciary is encouraged to use teleconferencing and other technologies to minimize costs.

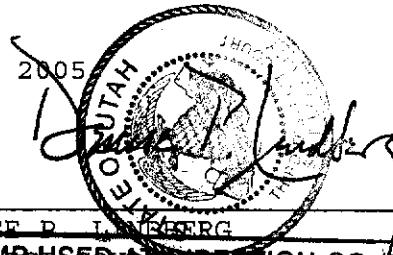
The Court agrees with the Special Fiduciary that the Trust needs to be reformed. Three principles will guide the Court in reforming the Trust: (1) giving effect to the intent of the Restatement's drafters to preserve the charitable intent of the Trust; (2) to consider the legitimate interests of beneficiaries without sanctioning any illegal practices or directly benefitting any organization that affirmatively espouses and supports illegal practices; and (3) to apply "neutral

principles" in the process of reforming the Trust. In the process of reforming the Trust or setting up a mechanism for Trust administration, neither the Court nor trustees can inquire into religious doctrine nor pass judgment on beneficiaries' observance of religious doctrine. Consistent with Supreme Court precedent, the Court must defer to authorized religious leadership for judgments concerning religious practice. As appropriate and necessary under the terms of the reformed Trust, trustees may receive such feedback from the religious authority. However, such input shall be non-binding on the trustees. In other words, input from the religious hierarchy of the FLDS Church or past members of "The Priesthood Work" may inform the judgment of trustees in addressing the "just wants and needs" of beneficiaries. However, trustees in the exercise of their discretion may determine what weight, if any, to give to that input. Trustees shall be required to exercise their independent judgment in any beneficiary decisions subject only to their fiduciary obligations to beneficiaries and any other requirement imposed by law.

The Court anticipates that within a few weeks it will issue a Memorandum Decision prescribing a general framework for reforming the Trust instrument. The parties will have one month to respond and make specific suggestions for reformation based on the framework devised by the Court. If any party believes the Court's framework is untenable, the Court expects that the objecting party will carefully detail (a) the

legal grounds for objection; (b) the supporting law; and (c) a proposed method for addressing the objection. The Office of the Utah and Arizona Attorneys General will then have two weeks to respond to the private parties' proposals and to make their own suggestions for reformation. The Special Fiduciary will then respond within ten days of the filing by the Attorneys General.

Dated this 14 day of November, 2005



DEWISE D. L. K. BERG  
DISTRICT COURT JUDGMENT OF JUDGE

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing Minute Entry, to the following, this \_\_\_\_\_ day of November, 2005:

Edward R. Munson  
Jerome Romero  
Attorneys for Nominee Trustees  
Robert C. Huddleston, Craig L. Booth and  
Gregory A. Kemp  
170 S. Main Street, Suite 1500  
Salt Lake City, Utah 84101-1644

Timothy B. Anderson  
Russell S. Mitchell  
Attorneys for Nominee Trustees  
Robert C. Huddleston, Craig L. Booth and  
Gregory A. Kemp  
301 North 200 East, Suite 3A  
St. George, Utah 84770-2978

Timothy A. Bodily  
Assistant Attorney General  
Attorney for the State of Utah  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, Utah 84114-0874

Roger H. Hoole  
Heather E. Morrison  
Gregory N. Hoole  
Attorney for Interested Parties:  
Richard Jessop Ream, Thomas Samuel  
Steed, Don Ronald Fischer, Dean  
Joseph Barlow, Walter Scott Fischer,  
Richard Gilbert and Brent Jeffs  
4276 S. Highland Drive  
Salt Lake City, Utah 84124

Mailing Certificate - Continued

Joanne Suder

Attorney for Interested Parties:

Richard Jessop Ream, Thomas Samuel  
Steed, Don Ronald Fischer, Dean  
Joseph Barlow, Walter Scott Fischer,  
Richard Gilbert and Brent Jeffs  
210 E. Lexington Street, Suite 100  
Baltimore, Maryland 21202

Karra J. Porter

Kelly H. Macfarlane

Attorneys for Petitioners

Donald B. Cox and James M. Pipkin  
50 S. Main Street, Suite 1500  
Salt Lake City, Utah 84144

Marlene Mohn

Attorney for Richard L. Holm,  
John W. Nielsen and Merrill T. Stubbs  
2130 Wasatch Blvd.  
Sandy, Utah 84092

David L. Gould, Treasurer

Child Protection Project

555 S. Flower Street, Suite 4510  
Los Angeles, California 90071

---